

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SHARON A. DANDY,

Plaintiff,

v.

CV 08-1027-JCH-GBW

WILMINGTON FINANCE, INC.,

Defendant.

ORDER GRANTING EXTENSION OF TIME AND STAYING FURTHER
PRODUCTION PENDING BRIEFING

THIS MATTER is before the Court on Stewart Title of Albuquerque, LLC (“Stewart”)’s Motion for Protective Order (Doc. 101), filed November 24, 2009. Stewart seeks various protections from the requirements of a subpoena served upon it by Plaintiff. The documents demanded by the subpoena are due for production on November 27, 2009.

First, Stewart seeks “an additional reasonable period of time to provide Plaintiff with the documents requested in categories 1-5 and 9-11¹ of the Subpoena.” *Id.* at 3. Stewart does not further define the length of extension it seeks. However, it appears from the Motion that, due to insufficient identifying information provided in the subpoena, Stewart was left with only four days to collect the requested documents in

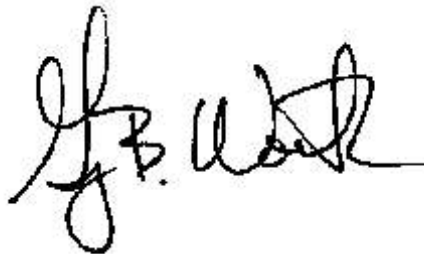
¹ These numbered categories refer to the numbered list in Exhibit A of the subpoena. *Id.*, Ex. 1.

this category. Therefore, the Court will grant Stewart an additional fourteen days (until December 11, 2009) to provide these documents to Plaintiff. If additional time is required, Stewart may request it from the Court.

Second, Stewart asks that the Court protect it from responding to the remaining categories (6-8) of the subpoena. *Id.* at 4. Under the local rules, Plaintiff still has the opportunity to respond to Stewart's Motion and Stewart will be permitted a Reply. The court will await full briefing to issue an order. Pending the Court's ruling on Stewart's Motion, production of the records referenced in categories 6-8 will be stayed.

Third, Stewart seeks (1) an award of costs for providing documents falling into categories 1-5 and 9-11, and (2) an award of attorney's fees and costs incurred in the filing of the Motion. In her Response, Plaintiff shall directly address these requests and explain how she has complied with her obligations under Fed. R. Civ. P. 45(c)(1).

IT IS ORDERED that the Court will grant an extension of 14 days for the production of documents listed in categories 1-5 and 9-11 as sought in Stewart's Motion for Protective Order. The remaining requests in Stewart's Motion will be addressed pending full briefing. Until then, production of the records referenced in categories 6-8 is hereby stayed.

A handwritten signature in black ink, appearing to read "J. B. Alford", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE